UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

HILDA L. SOLIS, Secretary of Labor)	
Plaintiff,)	
v.)	CASE NO: 3:10-cv-472
TENNESSEE COMMERCE BANCORP, INC.,) and TENNESSEE COMMERCE BANK,)	
Defendants.	

ORDER GRANTING INDICATIVE RULING THAT CASE SHOULD BE DISMISSED <u>AS MOOT</u>

The parties jointly moved the Court to enter an "indicative ruling" pursuant to Fed.R.Civ.P. 62.1 that this matter should be dismissed with prejudice as moot. For good cause shown, this motion is GRANTED.

This case was filed by the Secretary of Labor to enforce the portion of her preliminary order that George Fort should receive reinstatement from Defendants. At the time this case was filed, Mr. Fort had already filed a related case in this Court, *George Fort, Plaintiff v. Tennessee Commerce Bank and Tennessee Commerce Bancorp, Inc.*, Case No. 3:08-cv-688, alleging, among other things, that his termination was retaliatory.

The related case recently has been dismissed. Mr. Fort has also terminated the underlying administrative proceedings that gave rise to this action, and has specifically affirmed that he does not wish reinstatement to employment with Defendants or any of the other relief that the Secretary sought on his behalf in her preliminary order.

Accordingly, pursuant to Rule 62.1, this Court finds that the issues in this case are moot, and that this case will be dismissed with prejudice after the Sixth Circuit dismisses the pending appeal pursuant to Rule 41(a)

SO ORDERED this 25th day of October, 2010.

UNITED STATES DISTRICT COURT JUDGE